

STAFF REPORT

MAPC: December 14, 2023

DAB VI: December 11, 2023

CASE NUMBER: CON2023-00059 (City)

APPLICANT/AGENT: RDX Rental Properties, LLC (Applicant)

REQUEST: Nightclub in the City

CURRENT ZONING: LC Limited Commercial District

SITE SIZE: 0.65 acres

LOCATION: Generally located on the north side of West 21st Street North, within one-block east of North Waco Avenue (320 West 21st Street North).

PROPOSED USE: To permit an Event Center which may provide entertainment and alcohol.

RECOMMENDATION: Approve with Conditions



BACKGROUND: The applicant is requesting a Conditional Use to permit an Event Center, which may provide entertainment and alcohol for patrons (defined in the Unified Zoning Code as “Nightclub in the City”). The subject site is zoned LC Limited Commercial District and is generally located on the north side of West 21st Street North and within one-block east of North Waco Avenue (320 West 21st Street North). The property is developed with a former television broadcast studio and a Wireless Communications Facility. The building is located on the west side of a platted alley, and the associated parking is located on the east side of the platted alley. The alley has not been vacated, is improved, and can still be used to access properties north of the site.

The Event Center provides space to be rented out on an occasional basis. The Unified Zoning Code definition of “Nightclub in the City,” is applied because of the possible provision of entertainment and alcohol at these events. The need for the Conditional Use at this location is due the proximity of the B Multi-Family Residential District on the west side of North Waco Avenue, northwest of the subject site. Supplementary Use Regulations in Section III-D.6.w of the Unified Zoning Code require a Conditional Use for “Nightclub in the City” when it is within 300 feet of residential zoning district.

Property to the north of the building is zoned GO General Office District and developed with a single-family residence. Property to the north of the parking lot is zoned LC Limited Commercial District and developed with a single-family residence. Property to the east is zoned LC Limited Commercial District and developed with a single-family residence. Farther east, property is zoned LC Limited Commercial District and developed with commercial uses. Property to the west is zoned LC Limited Commercial District and developed with commercial retail uses. Properties to the south are zoned LC Limited Commercial District and developed with a single-family residence and a commercial retail center respectively. In 2004, the commercial retail center to the south was approved for an Administrative Adjustment (BZA2004-00092) reducing the parking requirement for the site from 71 to 65 spaces. Additionally, in 2023, the commercial retail center to the south was approved for a Conditional Use (CON2023-00020) for an Event Center that may provide alcohol and entertainment (“Night Club in the City”).

The subject site does not have an outdoor patio and the applicant is not proposing to construct one, so all events will be conducted inside the building. Though the properties to the north and east of the proposed Event Center space are zoned GO General Office District and LC Limited Commercial District, they are developed with single-family residences. Because of the zoning district, Section IV-B of the UZC does not require screening along these property lines. The distance between the wall of the subject building and the nearest house is approximately 27 feet.

Given the proximity of 27 feet to the house north of the site, staff is recommending hours of operation for the entertainment which would cease at 8:00 p.m. Sunday through Thursday and 11:00 p.m. on Friday and Saturday. Events that do not have entertainment would not be bound to these hours of operation.

Section IV-A of the UZC states the parking requirement for this use is one space per two occupants. There are 39 parking spaces provided between both parcels of the subject site. Therefore, capacity of the Event Center is limited to 78 occupants.

CASE HISTORY: In 1887, the site was platted as part of the Judsons Addition. In 1994, a Variance was approved to waive the screening requirements for a satellite antennae. In 2002, a Conditional Use was granted to permit the construction of a 150-foot Wireless Communications Facility in the northwest portion of the site.

ADJACENT ZONING AND LAND USE:

North:	GO & LC	Single-Family Residential
South:	LC	Single-Family Residential, Retail, and Event Center/“Night Club in the City”
West:	LC	Retail

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East: LC Single-Family Residential

PUBLIC SERVICES: West 21st Street North is a paved, three-lane arterial street with sidewalks on both sides. North Waco Avenue is a paved, two-way local street with sidewalks on both sides. North Fairview Avenue is a paved, two-way local street with sidewalks on both sides. Wichita Transit provides regular bus service along North Waco Avenue and West 21st Street in this area. All municipal services are in place and can accommodate the required services to the site.

CONFORMANCE TO PLANS/POLICIES: The following plans govern development on the subject site:

Community Investments Plan: The proposed application is in conformance to the *Community Investments Plan*. The *Community Investments Plan* (the Wichita-Sedgwick County Comprehensive Plan) includes the 2035 Wichita Future Growth Concept Map. The Map identifies the area in which the site is located to be appropriate for “Commercial” and “Residential” land uses. the “Commercial” category applies to the parcel on which the building is constructed, and the “Residential” category applies to the parcel with the parking lot. The “Commercial” category is described as “areas that reflect the full diversity of commercial development intensities and types typically found in a large urban municipality.” Rather than designating specific intensities and types for the different “Commercial” areas, the Plan suggests that existing development and neighborhood context should serve as a guide for what is appropriate for each unique location.

The *Community Investments Plan* provides locational guidelines to serve as a framework for future land use decisions. These are provided generally and for specific geographic areas. The subject site is located within the Established Central Area (ECA), described by the *Plan* as “the downtown core and the mature neighborhoods surrounding it.” Locational guidelines for the ECA further emphasize that development should occur where its scale is “appropriate for its context.” An Event Center that may provide entertainment and alcohol could create detrimental impacts such as noise to the residential development to the north. There is no outdoor space for events at this location, so events will be contained inside the building. The proposed conditions of approval for hours of operation are designed to mitigate possible negative impacts.

The Wichita: Places for People Plan: The requested Conditional Uses are in partial conformance with the *Wichita: Places for People Plan*. The *Wichita: Places for People Plan* provides recommendations for urban infill development in the Established Central Area (ECA). In general, the ECA is envisioned as “a place for people - a place that provides for the movement of people - on foot, on bike, and through transit - in balance with automobiles.” Ensuring development follows a nodal pattern “which creates a critical mass of activity at the center and transitions in scale and intensity” is key to realizing this vision.

- **Nodal Development:** The requested Conditional Use is not in conformance with the nodal development pattern. The subject site is between two identified nodes. The Plan identifies the intersection of West 21st Street and North Amidon Avenue as a Neighborhood Hub. The Plan identifies the intersection of West 21st Street and North Broadway as a Community Core. Nodes are identified to accommodate the highest intensity of uses, and the intensity of use should decrease the farther the property is away from the node. The subject site is approximately one-third of a mile from the intersection of West 21st Street and North Broadway. The development pattern along West 21st Street has a concentrated level of commercial development between North Broadway and North Waco with abutting residential uses directly behind the commercial strip. These uses have co-existed near each other for some time. The intensity of the proposed use could create possible negative impacts to surrounding residential development. However, the conditions of approval are designed to help mitigate possible negative impacts.
- **Current Condition:** The requested Conditional Use is in partial conformance with the area designation of the Plan as it is identified as an Area of Opportunity. Areas of Opportunity are defined as, “those areas that generally exhibit economic challenges, a disconnected development pattern, and a lack of walkable places and facilities. These areas are in need of strategic reinvestment, both public and

private, to assist in redefining and reinvigorating the area, physically, and socially.” The proposed use are an example of private investment in this Area of Opportunity. Though the proposed Event Center use contributes to economic development in the area, more appropriate uses that could help redefine and reinvigorate the area would be neighborhood serving uses that promote walkable development. Such uses could include neighborhood serving retail, personal services, or restaurants to which local residents could walk. An Event Center is regionally oriented that and is generally auto-oriented.

21st Street North Corridor Revitalization Plan. The requested Conditional Use is in partial conformance with the goals of the *21st Street North Corridor Revitalization Plan*. Goal #1 states: “Increase the long-term economic renewal, vitality, and sustainability of the 21st Street North Corridor Revitalization Plan Area.” Within this goal, the plan encourages infill of existing vacant or underutilized sites within one mile of the plan area boundary. However, the requested Conditional Use is not in conformance with the *Plan*’s Preferred Land Use Map. This map identifies the site as appropriate for neighborhood retail uses. An Event Center goes beyond the intended uses in a neighborhood retail category as those uses are designed to be more compatible with nearby residential uses.

RECOMMENDATION: Based upon the information available at the time the report was prepared, staff recommends the Conditional Use for a Night Club in the City (Event Center) be **APPROVED** subject to the following conditions:

1. Nightclub in the City’s shall apply only to those ancillary uses associated with an Event Center.
2. Nightclub in the City shall adhere to Supplementary Use Regulations in Section III-D.6.w of the Unified Zoning Code.
3. No music or alcohol consumption shall be allowed outside the building at any time.
4. The hours of operation for entertainment shall be:
 - i. 9:00 a.m. to 8:00 p.m., Monday through Thursday
 - ii. 9:00 a.m. to 11:00 p.m., on Friday and Saturday
 - iii. 9:00 a.m. to 8:00 p.m. on Sunday
5. The Event Center is permitted to operate outside of the above stated hours provided that such events do not provide entertainment.
6. Any lighting must be directed toward the center and not toward any of the residential properties to the north, east, and west.
7. No noise generated in conjunction with the outdoor use shall exceed a sound level of five decibels as measured on the “A” scale of a sound pressure level meter over the normal background noise that is discernible at any property line of a Lot within 1,000 feet that has a residential zoning classification. Normal background noise shall be established by taking the average of ten sound level readings at any ten-minute period.
8. The site shall be developed in general conformance with the approved site plan and in compliance with all city ordinances, including but not limited to: zoning, sign code, building, fire, health codes or licensing requirements.
9. The parking lot shall be kept free of all trash and debris.
10. No loitering, congregating or excessive noise shall be permitted in the parking lot.
11. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Property to the north of the building is zoned

GO General Office District and developed with a single-family residence. Property to the north of the parking lot is zoned LC Limited Commercial District and developed with a single-family residence. Property to the east is zoned LC Limited Commercial District and developed with a single-family residence. Farther east, property is zoned LC Limited Commercial District and developed with commercial uses. Property to the west is zoned LC Limited Commercial District and developed with commercial retail uses. Properties to the south are zoned LC Limited Commercial District and developed with a single-family residence and a commercial retail center respectively. In 2004, the commercial retail center to the south was approved for an Administrative Adjustment (BZA2004-00092) reducing the parking requirement for the site from 71 to 65 spaces. Additionally, in 2023, the commercial retail center to the south was approved for a Conditional Use (CON2023-00020) for an event center that may provide alcohol and entertainment (“Night Club in the City”).

2. The suitability of the subject property for the uses to which it has been restricted: The property is suitable for the uses to which it has been restricted. The property is zoned LC Limited Commercial District. In this case, the Conditional Use is only required because of the proposed Event Center (“Night Club in the City”) use is located within 300 feet of a residential zoning district. Mitigating factors, such as limited hours of operation and restricting outdoor music make it suitable for live music and entertainment.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The removal of restrictions may have detrimental effects on the residential uses to the west, east, and north of the property with noise pollution. This distance between the proposed event center and the apartment buildings to the south is approximately 27 feet. The Supplementary Use Regulations found in the Wichita-Sedgwick County Unified Zoning Code, Sec. III-D.6.w. and the staff recommended conditions are designed to mitigate the possible negative impacts on surrounding properties.
4. Length of time subject property has remained vacant as zoned: The subject site is developed with a former television broadcast studio.
5. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of this application is not anticipated to have a significant detrimental impact to public health, safety, or welfare due to the proposed mitigating factors identified in the conditions of approval. Denial of the request could represent a loss in the use and enjoyment of the applicant’s property.
6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The proposed application is in partial conformance with the *Community Investments Plan*, the *Wichita Places for People Plan*, and the *21st Street Corridor Revitalization Plan* as discussed in the report.
7. Impact of the proposed development on community facilities: The proposed use may produce an increase in traffic in the area during events. But given the size and scale of the proposed use, it is not anticipated to have detrimental effects on community facilities.
8. Opposition or support of neighborhood residents: At the time of the publication of the staff report, staff has not received any public comment regarding this case.

Attachments:

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|---|-----------------|
| 1. Supplementary Use Regulations—Event Center/ Night Club in the City | 3. Aerial Map |
| 2. Site Plan | 4. Zoning Map |
| | 5. Land Use Map |
| | 6. Site Photos |

Section III-D.6.w of the Unified Zoning Code, Supplementary Use Regulations

w. Taverns and Drinking Establishments, clubs, Nightclubs in the City and Entertainment Establishments in the City.

Although listed as permitted Uses in some Districts, Taverns, Drinking Establishments, clubs, Nightclubs in the City and Entertainment Establishments in the City, when considered Nightclubs in the City, shall be considered Conditional Uses and subject to Sec. V-D (Conditional Use review procedures) when located within 300 feet of a Church or Place of Worship, public Park, public or parochial School or residential zoning District. Event Centers in the City, Teen Clubs in the City and Entertainment Establishments, when not considered as Nightclubs in the City, shall be considered Conditional Uses and subject to Sec. V-D (Conditional Use review procedures) when located within 200 feet of a Church or Place of Worship, public Park, public or parochial School or residential zoning District. These distances shall be measured from the nearest Lot Line of the Church or Place of Worship, public Park, School or residential zoning District to the nearest Lot Line of the premises on which the Tavern, Drinking Establishment, club, Nightclub, Entertainment Establishment, Event Center or Teen Club is located or of any Parking Area designated to be used by the patrons of such businesses, whichever is closest. For purposes of this measurement, the required Parking Spaces for such a business located within a multi-tenant Structure or shopping center are those located nearest the public entrance to the business. "Establishment" of any Tavern, Drinking Establishment, club, Nightclub business, Entertainment Establishment, Event Center or Teen Club shall be deemed to include the opening of such a business as a new business, the relocation of such businesses or the conversion of an existing business location to any such business use, or any expansion of such a business beyond the existing square footage of the premises. Nightclubs in the City that qualify as Sexually Oriented Businesses in the City shall be permitted Uses in those districts that allow Sexually Oriented Businesses in the City, if the location of the operation is no less than 500 feet from a Church or Place of Worship, School, public Park, licensed Day Care center, the boundary of any residential District, the boundary of the OT-O District, or any other Sexually Oriented Business.

Outdoor service of food and drink as an accessory part of the operation of a Tavern or Drinking Establishment, club or Nightclub shall always be subject to the following requirements and, if located within 200 feet of a Church or Place of Worship, public Park, School or residential zoning District, shall be considered a Conditional Use and subject to Sec. V-D of these regulations.

1. No additional Parking Spaces or restroom facilities need be provided for the initial sixteen occupants to be served in the outdoor area, but Parking and restroom facilities shall be provided to full Code requirements for the portions of the permitted occupant load exceeding sixteen persons.
2. No noise generated in conjunction with the outdoor use shall exceed a sound level of five decibels as measured on the 'A' scale of a sound pressure level meter over the normal background noise that is discernible at any property line of a Lot within 1,000 feet that has a residential zoning classification. Normal background noise shall be established by taking the average of ten sound level readings in any ten-minute period.
3. The outdoor area shall be screened from ground level view from any residential-zoned property within 150 feet of the outdoor area, by Screening in accordance with the requirements of Sec. IV-B.
4. If lighting facilities are provided, the intensity of light and arrangements of reflectors shall be such as not to interfere with residential Uses. The lighting shall be in compliance with the lighting requirements of Sec. IV-B 4.
5. The outdoor Use shall be designed and maintained in compliance with all other licenses, regulations and requirements of the fire, health, and building codes, including requirements for emergency access to or from any barriers that limit ingress or egress.

PROJECT NOTES

- THE PURPOSE OF THIS DRAWING IS TO IDENTIFY APPROXIMATE ROOM SIZES AND CEILING HEIGHTS.
- THERE ARE SOME ADA CONCERNS THAT MAY NEED TO BE ADDRESSED DURING CITY REVIEW.
- THE SIZE AND SCOPE OF THE EXISTING MEZZANINE NOT DETERMINED.
- NO FIRE SPRINKLER SYSTEM.
- NO FIRE ALARM SYSTEM.

EXISTING BUILDING LAYOUT
320 WEST 21ST STREET NORTH
VACATA, WA

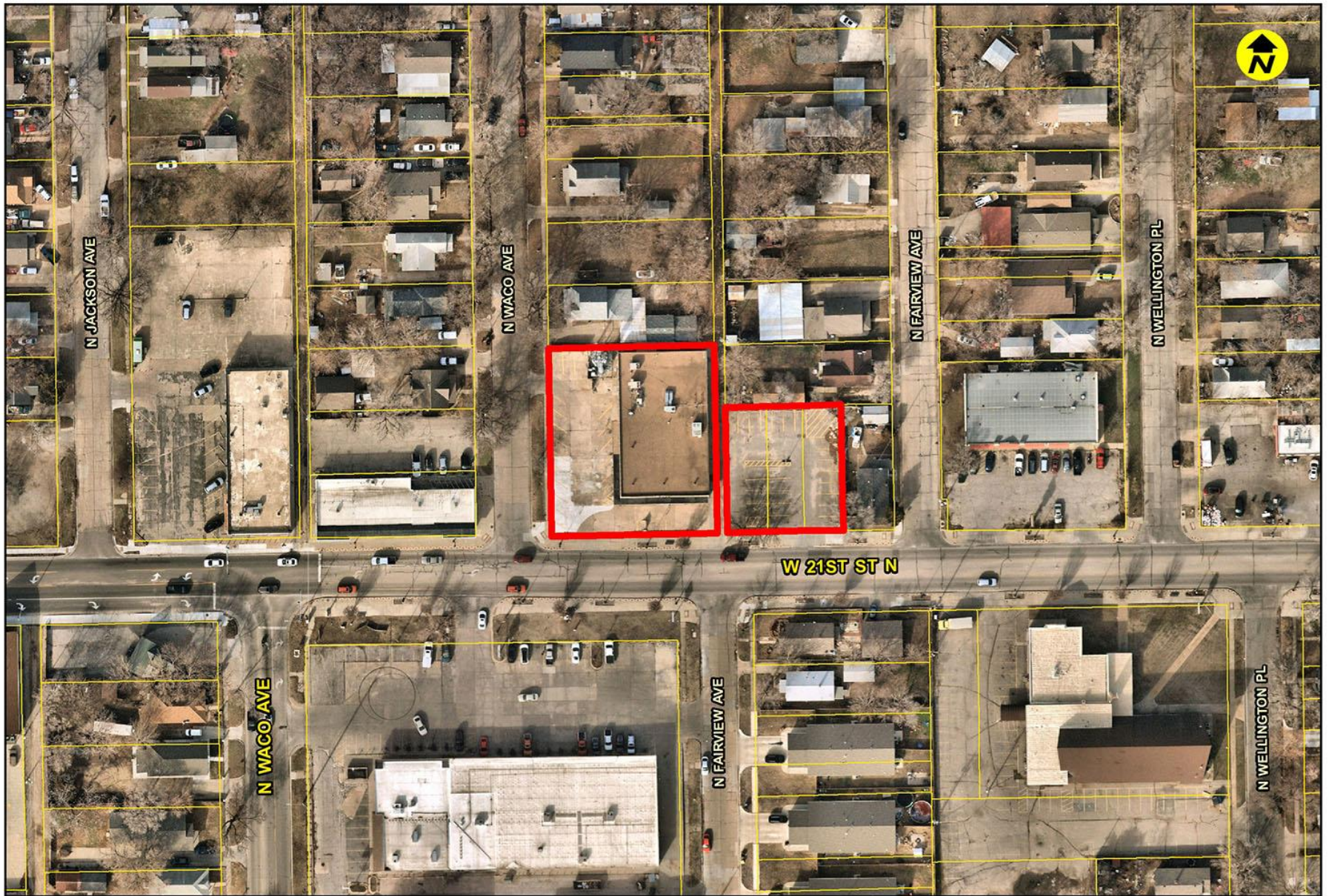
Don Knieble Architect LLC
ARCHITECT
P.O. BOX 670101
SEASIDE, CA 94136

JOB NO.: D-2023-10
DATE: 08-20-2023

REV	DESCRIPTION	DATE

EXISTING FLOOR PLAN






A1








2035 Wichita Future Growth Concept Map

Legend

-  Established Central Area
-  Residential and Employment Mix
-  New Employment
-  New Residential
-  Wichita City Limits
-  Other Cities
-  Northwest Bypass Right-of-Way

Statistical Development Areas

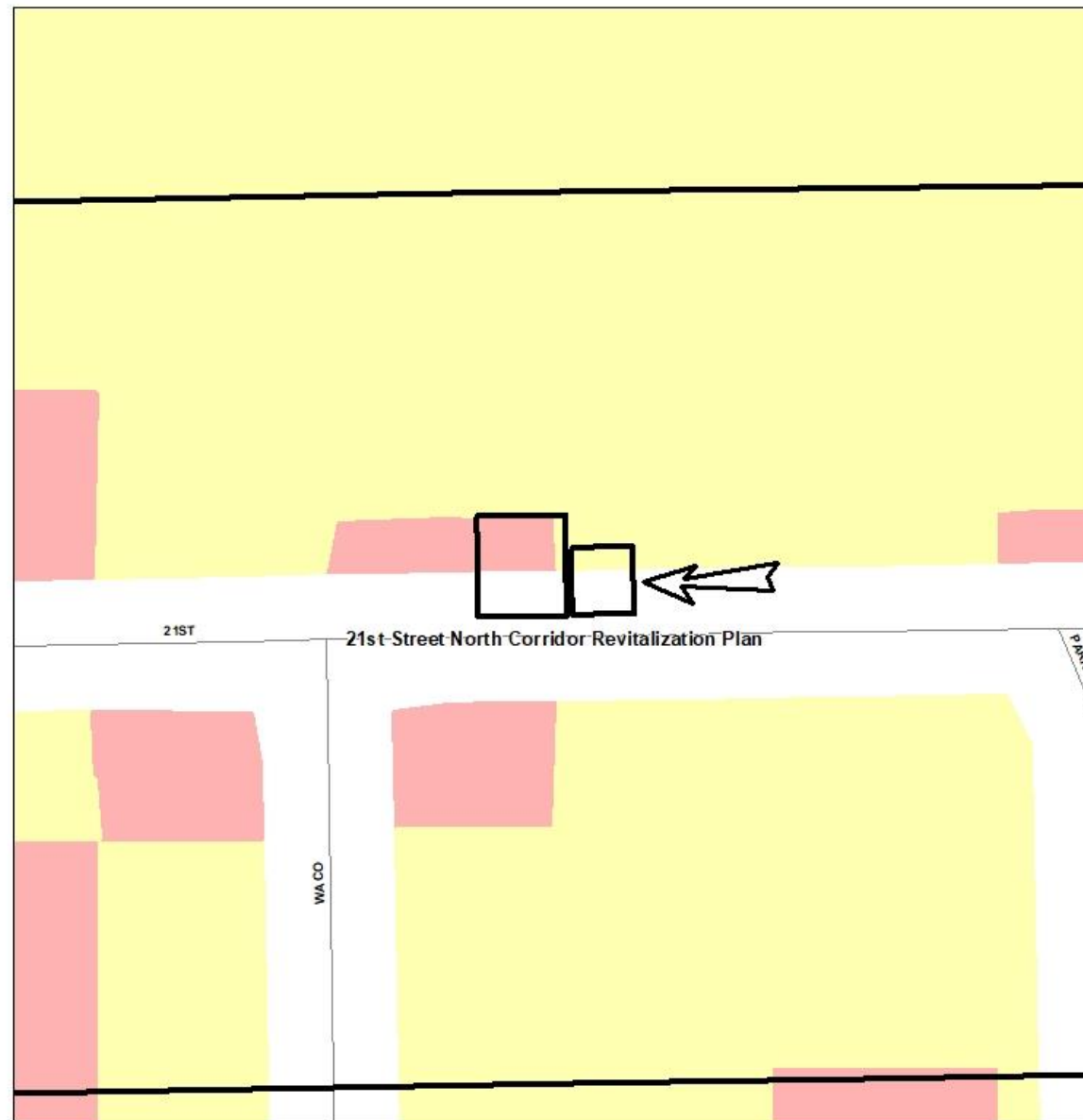
-  Small City Urban Growth Areas
-  Small City Urban Growth Areas
-  Rural Areas

LAND USE

-  Residential
-  Commercial
-  Industrial
-  Major Air Transportation & Military
-  Parks and Open Space
-  Agricultural or Vacant
-  Major Institutional
-  Neighborhood/Area Plans



Map prepared by the Metropolitan Area Planning Commission (MPC) in cooperation with the City of Wichita. The map is for informational purposes only and does not constitute a guarantee, warranty, or endorsement of any product or service by the MPC or the City of Wichita. The map is subject to change without notice. The map is not to be used for legal purposes. The map is not to be used for any other purpose without the written consent of the MPC.



Looking northeast at site



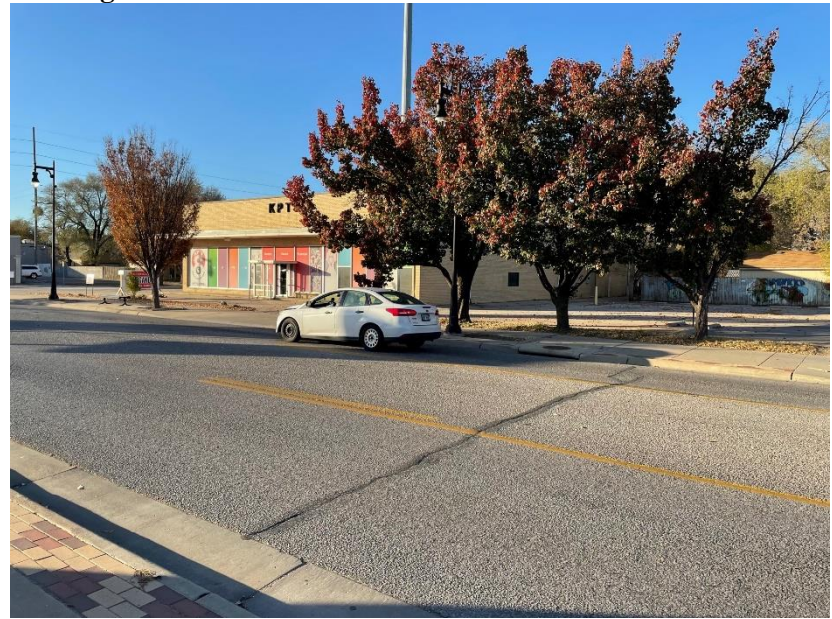
Looking northwest at houses across the street



Looking northwest away from site



Looking northwest at site



Looking north at parking lot and house behind



Looking southeast away from site



Looking northeast away from site



Looking south away from site

